

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF MISSOURI

IN RE: JOHNATHAN S. GREENE)
)
) In Proceedings Under
Debtor .) Chapter 13
)
) Bankruptcy Number: 19-43749
)
) Adversary Number: 19-

**COMPLAINT FOR DETERMINATION OF
CONTEMPT, SANCTIONS, AND INJUNCTIVE RELIEF**

COMES NOW, Debtor, JOHNATHAN S. GREENE, by and through his attorney, Michael J. Benson, and for his Complaint for Determination of Contempt, Sanctions, and Injunctive Relief, states as follows:

1. That Debtor filed an emergency Chapter 13 Bankruptcy in the Eastern District of Missouri on June 14, 2019 resulting in the imposition of the automatic stay.
2. That jurisdiction is conferred on this Court pursuant to provisions of 28 U.S.C. §1334 in that this proceeding arises in and is related to the above-captioned case under Title 11 and concerns property of the Debtor in the instant case.
3. That Debtor primarily filed the instant case to recover a vehicle recently repossessed by Bridgecrest Auto (hereinafter referred to as "Creditor").
4. That immediately after the filing of the instant matter, Counsel's office contacted Creditor to inform Creditor's office of the bankruptcy filing and the requirement to return the vehicle to Debtor.
5. That Creditor's office requested documentation evidencing Debtor's Notice of Bankruptcy Filing and proof of insurance.

6. That said documentation was faxed and received by Creditor's office on June 14, 2019.

Evidence of insurance is attached hereto as Exhibit A and evidence of the bankruptcy filing is attached hereto as Exhibit B.

7. That Counsel's Office was initially informed that the vehicle at issue was still located in Manheim Auctions in St. Louis. Counsel's Office was given contact information to the auction site to schedule a retrieval time.

8. That Debtor contacted Manheim Auctions to retrieve the vehicle and was subsequently informed that the vehicle was no longer on site.

9. That Counsel's Office then contacted Creditor and was informed that the vehicle was transported, post-filing, to Kansas City, Missouri and Debtor was free to pick the vehicle up from Kansas City or Creditor would arrange to transport the vehicle back to the St. Louis area.

10. That Debtor, through Counsel, requested the Creditor transport the vehicle to St. Louis as Debtor was without the means (vehicular and monetary) to travel to Kansas City to retrieve the vehicle.

11. That as of June 24, 2019 Counsel's Office was informed that the vehicle was in the process of being returned to the St. Louis area and transport would take approximately forty-eight hours.

12. That to date, two weeks after the initial notice to Creditor and four days after the vehicle was supposed to return to St. Louis, the vehicle still has not been relinquished to Debtor.

13. That Creditor has informed Counsel's Office that they are "unable" to get in contact with the company transporting the vehicle and thus are unable to relinquish the vehicle to Debtor or provide a date for Debtor to retrieve the vehicle.

14. That Creditor's inaction to swiftly return Debtor's vehicle has placed an undue hardship on Debtor, namely that Debtor is unable to work as a Postmates driver which is his sole source of income.
15. That Creditor's actions in this matter constitute a willful violation of the automatic stay provided for in 11 U.S.C. §362(a)(3), entitling the Debtor to actual damages, including but not limited to costs, attorney's fees, and punitive damages under 11 U.S.C. §362(k)(1).
16. That Creditor's conduct as outlined above constitutes cause for the imposition of punitive sanctions designed to deter future misconduct.

WHEREFORE, Debtor, JOHNATHAN S. GREENE, respectfully requests that this Court grant his Complaint for Determination of Contempt, Sanctions, and Injunctive Relief, enter an Order finding Bridgecrest Auto in contempt of Court for its violation of the automatic stay, awarding such injunctive relief, costs, attorney's fees, and punitive damages, and for any and other such relief as this Court may deem just and equitable under the circumstances.

Date: June 28, 2019

RESPECTFULLY SUBMITTED,
By: /s/Michael J. Benson
Michael J. Benson #6284397
A BANKRUPTCY LAW FIRM, LLC
801 Lincoln Highway, Suite 101
Fairview Heights, IL 62208
(618) 207-6500
(618) 551-2575 fax
court@bensonlawfirms.com

CERTIFICATE OF SERVICE

Comes now Debtor, JOHNATHAN S. GREENE, by and through his attorney, Michael J. Benson, and certifies that on June 28, 2019 via first-class mail, postage prepaid, a true and accurate copy of the Complaint for Determination of Contempt, Sanctions, and Injunctive Relief was served upon the following people that were not served electronically:

Diana S. Daugherty
Chapter 13 Trustee
P.O. Box 430908
St. Louis, MO 63143

Office of the U.S. Trustee
111 S. Tenth Street
Suite 6.353
St. Louis, MO 63102

Bridgecrest
7300 East Hampton Avenue
Suite 100
Mesa, AZ 85209

Bridgecrest Acceptance Corp
P.O. Box 2997
Phoenix, AZ 85062

Bridgecrest Credit Company, LLC.
P.O. Box 29018
Phoenix, AZ 85038

/s/Sarah A. Law

Brandon Benson

From: send@mail.efax.com
Sent: Friday, June 14, 2019 2:03 PM
To: Brandon Benson
Subject: Successful transmission to 18663278201. Re: Proof of Insurance RE: Johnathan Greene



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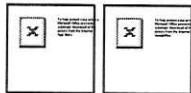
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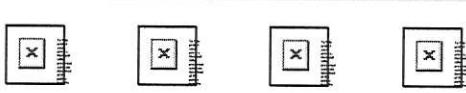
Sincerely,
The eFax Team

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Exhibit A

Brandon Benson

From: Brandon Benson
Sent: Friday, June 14, 2019 1:58 PM
To: 18663278201@efaxsend.com
Subject: Proof of Insurance RE: Johnathan Greene
Attachments: Proof of Insurnace with Loss Payee 6-14-19.pdf

Bridgecrest,

Please see the attached Proof of Insurance.

Thank You,
Brandon

Brandon Benson, Legal Assistant
A Bankruptcy Law Firm, LLC
brandon@BensonLawFirms.com

ILLINOIS – Phone (618) 207-6500 – 801 Lincoln Highway, Suite 101, Fairview Heights, IL 62208

MISSOURI – Phone (314) 300-6700 – 1409 Washington Avenue, Suite 401, St. Louis, MO 63103

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Please consider the environment before printing this e-mail.



06/14/2019

Johnathan Greene
3841 FOLSOM AVE
Saint Louis, MO 63110

RE: Letter of Experience

Policy Number:

Named Insured: Johnathan Greene

Inception Date: 06/14/2019 9:47:40 AM PST

Current Term Effective Date 06/14/2019

Current Term Expiration Date 12/14/2019

Liability Limits Bodily Injury: \$25,000/\$50,000 Property Damage: \$10,000
as of: 06/14/2019 as of: 06/14/2019

Please accept this letter as verification for the Esurance policy listed above.

The following lapses in coverage have occurred on this policy: No Lapses

This letter does not include any information regarding the loss history for the above account. To receive a claims experience letter, please contact us by phone at 1-800-378-7262.

This policy included coverage for the following drivers:

<u>Name</u>	<u>Dates of Coverage</u>
Johnathan Greene	06/14/2019 - 12/14/2019

This policy included coverage for the following vehicles:

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>VIN</u>	<u>Dates of Coverage</u>
2015	Volkswagen	TIGUAN 2.0T S/SE/SEL/R-LINE		06/14/2019 - 12/14/2019
•	Comprehensive	\$500		as of: 06/14/2019
•	Collision	\$500		as of: 06/14/2019

Lienholder(s) that are listed

<u>Vehicle</u>	<u>Loss Payee Name</u>	<u>Loss Payee Address</u>	<u>as of:</u>
2015 Volkswagen TIGUAN 2.0T S/SE/SEL/R-LINE	Bridgecrest Acceptance Corp	PO Box 2997 Phoenix AZ 85062	06/14/2019

If you have any further questions, please do not hesitate to contact us by phone at 1-800-378-7262, or by fax at 1-800-926-2869.

Thank you,

Allen Meil, Authorized Representative
Esurance Property and Casualty Insurance Company

Brandon Benson

From: send@mail.efax.com
Sent: Friday, June 14, 2019 2:04 PM
To: Brandon Benson
Subject: Successful transmission to 18663278201. Re: ATTN: Bridgecrest Bankruptcy Dept. RE: Johnathan Greene



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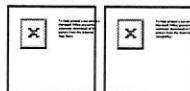
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The eFax Team

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Exhibit B

Brandon Benson

From: Brandon Benson
Sent: Friday, June 14, 2019 2:00 PM
To: 18663278201@efaxsend.com
Subject: ATTN: Bridgecrest Bankruptcy Dept. RE: Johnathan Greene
Attachments: Johnathan Greene Notice of Filing 6-14-19.pdf

Bridgecrest,

Please see the attached Notice of Bankruptcy Filing for our client Johnathan Greene regarding the 2015 Volkswagen Tiguan. Please stop any and all collection activity and process the release of the vehicle due to the bankruptcy automatic stay. If you have any questions please contact our office. Your help in this matter is greatly appreciated!

Thank You,
Brandon

Brandon Benson, Legal Assistant
A Bankruptcy Law Firm, LLC
brandon@BensonLawFirms.com

ILLINOIS – Phone (618) 207-6500 – 801 Lincoln Highway, Suite 101, Fairview Heights, IL 62208

MISSOURI – Phone (314) 300-6700 – 1409 Washington Avenue, Suite 401, St. Louis, MO 63103

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United States Bankruptcy Court
Eastern District of Missouri

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 06/14/2019 at 1:34 PM and filed on 06/14/2019.

Johnathan Scott Greene
3841 Folsom Avenue
Saint Louis, MO 63110
SSN / ITIN: xxx-xx-6255
aka John S Greene
aka Johnathan S Greene



The case was filed by the debtor's attorney: The bankruptcy trustee is:

Michael J Benson
A Bankruptcy Law Firm, LLC
801 Lincoln Highway Ste B
Fairview Heights, IL 62208
618-207-6500

Diana S. Daugherty
Chapter 13 Trustee
P. O. Box 430908
St. Louis, MO 63143
314-781-8100

The case was assigned case number 19-43749 to Judge Barry S. Schermer.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.moeb.uscourts.gov/> or at the Clerk's Office, 111 South Tenth Street, Fourth Floor, St. Louis, MO 63102.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Dana C. McWay
Clerk, U.S. Bankruptcy Court

PACER Service Center
Transaction Receipt
06/14/2019 13:38:59

PACER Login:	jg3707:3427580:0	Client Code:	
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Billable Pages:	1	Cost:	0.10